

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 18, 2009
POSITION: Neutral
SPONSOR: Sacramento County

BILL NUMBER: SB 481
AUTHOR: D. Cox

BILL SUMMARY: Airports: Wildlife

Existing state law regulates the take of wildlife and requires an Incidental Take Permit to take species protected pursuant to the California Endangered Species Act. A federal depredation permit (Permit) authorizes the capture or killing of migratory birds. This bill would authorize in state law the take of wildlife on airports certified by the Federal Aviation Administration (FAA) pursuant to a Permit.

FISCAL SUMMARY

The Department of Fish and Game (DFG) would be required to seek reimbursement from an airport for any actions taken pursuant to a violation of the bill. It is unclear how significant those costs would be, but they would not affect existing state funds.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 22, 2009 version do not alter our position. The bill has been amended to clarify that take of wildlife pursuant to the bill would only be authorized for valid public safety reasons consistent with a wildlife management program that emphasizes non-lethal techniques.

COMMENTS

Finance is neutral on this bill because it would clarify the authority of airports to take wildlife, and would not result in additional costs to the state.

The bill clarifies that any taking of wildlife that occurs on an airport certified by the FAA that has obtained, and is in compliance with, a Permit is in compliance with state wildlife laws and regulations as long as (1) any taking occurs on land owned or leased by the airport that is not reserved for habitat mitigation for the species being taken, (2) there is no taking of a fully protected, candidate, threatened, or endangered species, and (3) any take provides a public safety benefit and is performed as part of a wildlife management program that emphasizes non-lethal techniques.

An airport would be required to provide any reports required pursuant to a Permit or Wildlife Hazard Management Plan to the DFG. An airport would also be required to provide access to the DFG for the purpose of monitoring compliance with the Permit.

Airports commonly obtain Permits to authorize the harassment or removal of wildlife to minimize bird strikes or other encounters with wildlife. However, there is no corresponding state statute. This bill would create a corresponding statute to prevent airports from incurring violations of state wildlife laws and regulations in the performance of otherwise lawful activities.

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Analyst/Principal (0634) M. Almy	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

D. Cox

June 18, 2009

SB 481

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Code
3600/Dept FishGam	SO	No	-----	No/Minor	Fiscal Impact	-----			0001